



## **MINUTES**

### **BOARD OF EQUAL RIGHTS COMMISSIONERS**

**September 19, 2018 at 2:30pm**

**Room 301-A, City Hall, 200 E. Wells Street Milwaukee, WI 53202**

#### **Present:**

Commissioner Chez Ordonez, Acting Chair

Commissioner Mayhoua Moua

Commissioner Tony Snell

Commissioner Sheila Ashley

Commissioner Martha Collins

Commissioner Jennifer Bennett

Commissioner Reggie Jackson

Commissioner Nathan Guequierre

Jessica Langill, Dept. of Administration

Patricia Ruiz-Cantu, Dept. of Administration

Rebecca Rabatin, ADA Coordinator, Dept. of Administration

Mike Amsden, Department of Public Works

James Hannig, Department of Public Works

Mike Krause, Department of Public Works

Frank Martinelli, Race to Lead

Abril Curiel, Fair Housing Council

Ashley Altadonna, FORGE

Shelley Gregory

Livia Ortiz, Genderqueer Milwaukee

Pam (CEDAW)

The meeting was called to order at 2:30 p.m. by Commissioner Ordonez

#### ***1. Approval of Minutes from July 18<sup>th</sup> Listening Session***

Commissioner Snell moved to approve the minutes, Commissioner Ashley seconded. No objections. Minutes approved unanimously.

## **2. Race to Lead (Frank Martinelli)**

Frank Martinelli stated he is attending the meeting to talk about an important study that was completed about a year ago by an organization called the Building Movement Project. The study is titled “Race to Lead: Confronting the Nonprofit Leadership Gap.” He stated that historically the blame for the lack of people of color in upper leadership positions in nonprofit organizations has been placed on leaders of color (they don’t want the positions, they don’t have the experience, they don’t have the training, etc.). The new study changes the narrative and focuses more on systemic barriers. Martinelli stated that Boards lack diversity and face implicit bias.

Martinelli stated that Milwaukee will be hosting a summit on October 24<sup>th</sup> with the Building Movement Project which will start the conversation about the lack of diversity on Milwaukee nonprofit boards. Martinelli stated that Milwaukee needs to focus on getting to the systemic root of the problem including systemic racism, sexism, low-wage economy, mass incarceration of men of color, etc. He also stated that he hopes the summit will spark conversation and action. Martinelli stated that Race to Lead would like to encourage nonprofit organizations to get involved with advocacy and public policy work. He said that there are currently 100 people registered for the morning.

Martinelli asked the ERC for support in spreading the word about the summit, but also that the ERC consider financially supporting the summit. Commissioner Snell stated that excuses for nonprofits not getting involved in public policy and advocacy include lack of employees and resources, possible jeopardizing of 501c3 status, etc. He asked how to navigate that. Martinelli stated that people on boards have received misinformation regarding what the law allows exempt organizations to do. He stated advocating, lobbying, and voter registration are all legal for 501c3 organizations to partake in. He also stated that nonprofits are afraid to “drift from their mission.” He stated nonprofit organizations are also afraid of backlash from funders.

Commissioner Ordonez asked how the city should address the stigma that there is not a good enough talent-pool in Milwaukee. Martinelli stated that is one of the messages of Race to Lead. He stated that to move things forward, boards of directors need to be educated on this problematic mindset. Commissioner Ordonez also asked how to get the companies that write the checks to help move this change forward. Martinelli stated that discussions with boards need to be had about raising wages, to get out of the low-wage economy.

Commissioner Ashley asked what the specific sponsorship ask was. She stated that the city’s Block Grant program is supposed to sponsor nonprofit development within the city. Martinelli stated the ask ranges from \$500-\$3000. Commissioner Collins asked if sponsorship could be earmarked for young professionals of color to attend the conference. Martinelli stated that unfortunately in order to make the morning free, the sponsorship is needed to be more general. Commissioner Collins asked if outreach had been done to the philanthropic foundations. Martinelli stated they are in contact with the Greater Milwaukee Foundation and the Wisconsin Philanthropy Network.

Commissioner Guequierre stated that he supported the ask and highly recommends that the ERC sponsor Race to Lead in some fashion. Commissioner Jackson asked if there was specific data about Milwaukee. Martinelli stated that they would be talking with the Building Project Movement soon to find out that answer. Commissioner Ordonez stated the ERC could easily help with advertising the event and that Martinelli should connect with Jessica Langill with a specific ask. Commissioner Snell moved to endorse the project, Commissioner Collins seconded. Commissioner Ashley stated that she further moves that Jessica Langill check to see if there is any money available through Block Grant to sponsor the event. No objections.

### ***3. Gender Neutral Bathroom Discussion (Mike Krause, DPW Architectural Manager)***

Mike Krause, DPW Architectural Project Manager, noted that he had sent a list of all single stall restrooms in city buildings to Jessica Langill. He stated that there are currently 42 single stall bathrooms in city buildings. He stated that currently there will be one gender neutral bathroom installed in the basement of city hall with the new construction.

Commissioner Ordonez asked for clarification on the Milwaukee Code of Ordinances as it applies to bathrooms. Krause stated that national building code is followed and that all states in the US must follow the code. The code states that there must be a certain amount of men and women designated bathrooms based on building occupancy. Commissioner Ordonez asked how other cities are getting around the code and bringing gender neutral bathrooms to their public spaces. Krause stated they may be creating their own city codes.

Krause also stated that it may be difficult to find space to create new gender neutral single stall restrooms in existing city buildings. He also stated that cost would be a huge factor in the ability to install new restrooms. Commissioner Ordonez asked what DPW would need in order to look further into the issue. Krause stated they would need to be directed to do a bathroom study by the ERC or Mayor's Office. Krause also stated he would look further into city plumbing code and signage rules.

Commissioner Ashley asked for further description on what a single use bathroom would look like. She stated that even though she has been married to a man for 36 years, she would not want to use a public bathroom after a man used it. She asked if there was special retrofitting involved. Krause clarified that single use bathrooms are a small toilet room with a single toilet and sink that can be locked from the inside. Commissioner Ashley asked if Krause had an estimate of cost for creating a single use bathroom in a city building. She stated fiscal impact would need to be considered when lobbying for changes to state or local code. Krause stated it would be a good idea to look further into this but that he did not have an estimate off the top of his head. Commissioner Ashley suggested that he reach out to LRB to do a study regarding what other cities are doing and what the fiscal impact looks like. He also mentioned that there may be some pushback from those who work at City Hall regarding where the bathrooms would be installed because they would have to take up office space.

Commissioner Snell asked if spaces like the new Bucks Arena have to follow the same code. He mentioned that they have gender neutral bathrooms. Krause stated the gender neutral bathrooms were in addition to the amount of men and women designated bathrooms. Commissioner Snell also stated that only having gender neutral bathrooms in the basement is not being fully accommodating. Krause stated it is a nice basement. Commissioner Snell stated he felt excuses were being made and that the severity of the issue was not being fully considered. He stated that there are people who do not go to the bathroom all day because they do not feel safe using a men or women designated bathroom. Commissioner Snell acknowledged cost and appreciated due diligence but also mentioned it is important to continue moving forward on this issue.

Commissioner Ashley stated they needed to look where opportunity is, and that if there is current construction being done in the basement that it would be a good place to pilot gender neutral single stall bathrooms. She stated that there will be challenges with legislation and ideological issues at the state level. She stated that there are elevators that make it easy to get to the basement, making a gender neutral bathroom down there fully accessible. Commissioner Ashley stated that it is not an immediate life or death situation to get gender neutral bathrooms in all city buildings and that they should try to fit it in where it would be easy to do so. She said if there is a space in the basement for a gender neutral bathroom, then that should be looked at as a win. Commissioner Snell stated they should not settle for a single bathroom in the basement and mentioned that it would be creating a separate but equal situation.

Krause stated that they are considering adding gender neutral single stall bathrooms to the new field office and in future new city building. Commissioner Ordonez stated that while this is appreciated, that it should not only be up to department heads to make these decisions. He also stated that the decision is impacting more than just their department and the conversation needs to be kept alive, potentially through an action from the ERC. He stated that the bigger picture is being missed and that subject matter experts need to be invited to the table when these decisions are being made. Commissioner Ordonez stated it would be important to get some public input on the issue. Krause stated he would be open to public input and would continue the conversation with his team. Commissioner Guequierre stated that some of the 42 existing bathrooms may be able to be re-signed right away and asked if it was possible to re-sign all immediately as family restrooms. Krause said he would look further into it.

Commissioner Ashley recommended that they do as much as possible without Council action and mentioned that there would be great ideological barriers when discussing this with Alders. She stated that sometimes the ERC has discussions about what should happen that doesn't align with reality. She stated that there is no utility in sitting at a public meeting acting as though the ERC is going to storm the Bastille to get something done right away since no one on the Commission has the power to make these immediate changes. She stated that government wheels turn very slowly and that this type of work would require a great deal of approval and legislative work and that if it is not done correctly city departments may begin to look at the ERC differently. She stated she felt that research would need to be done first before the ERC take on any action and that they would have to put a great deal of thought into how they are

going to sell it to certain members of the Council. She stated there are also several people at the state level who would never approve this. Commissioner Ashley stated it was not cool to be discussing the issue to this extent when there is so much more to consider. She stated that “no one is going to pee their pants.” Commissioner Snell stated this is a serious health issue and Commissioner Ashley repeated that no one is going to pee their pants if they do not have a bathroom they want to use available. Commissioner Ordonez used his gavel to stop the conversation and opened the floor to outside experts.

Ashley Altadonna, FORGE, stated that this is a legitimate health issue and that people do end up peeing on themselves due to not having a bathroom they feel safe using. She stated that when she first transitioned she was working at a job that would not allow her to use the same bathroom as everyone else and that the humiliation of not being able to use the bathroom she identified with was extremely damaging. She stated the bathroom issue directly impacts people’s lives and that when they avoid using the bathroom they experience other issues like kidney infections, bullying, etc. Altadonna mentioned that we have all used a public bathroom next to a transgender person whether we realized it or not and that there is no reason that signage should not be able to be changed to make space for those who need it.

Rebecca Rabatin, DOA, said that she wanted to piggy back on what Mike Krause was talking about regarding building code. She stated building code changed when Walker became governor and that just this year the City of Milwaukee started using the 2015 building code guidelines. She stated the state still uses its own plumbing code. She stated she would suggest the ERC and DPW start advocating for “Wisconsinisms” to be considered in plumbing and building code at the state level.

Shelley Gregory, community member, stated they were not affiliated with any institution and that they have attended and testified at several ERC meetings. Gregory stated that they hear any number of problematic or offensive comments at these meetings, but that what was said today were the most offensive comments they have heard made about trans individuals. Gregory stated they are incredibly disappointed and massively offended. Gregory shared that as a 43 year old they urinate on themselves nearly every day as a result of decades of not having access to the restroom they felt safe using. Gregory suggested that individuals who are not educated on these topics should listen to those that know more than they do. Gregory stated this is a health issue and presents a number of other issues as indicated by Ashley Altadonna. Gregory stated that in their experience, they have seen transgender individuals limit their food and water intake so they do not have to use the bathroom, causing people to become dehydrated and develop headaches and muscle aches. Gregory also stated that it was discrimination to not offer toileting facilities to all individuals and that it is arguably a violation of Milwaukee’s own Equal Rights Ordinance that protects individuals based on gender expression and identity. Gregory stated that these are fundamental human rights and that this really is a life or death issue. Gregory stated that the city should be able to follow their own rules regarding signage and that also recommended changes to existing multiple stall bathrooms (taller doors, steel walls, etc.). Gregory suggested that the ERC and DPW listen to community members with this specialty instead of making decisions on their own.

Livia Ortiz, community member, stated she was not representing a certain organization. She stated only having a gender neutral bathroom in the basement was ridiculous. She stated she understood that state politics were an issue but that young people commit suicide over bathroom issues so this should not be taken lightly. Livia shared that there is a bunch of data supporting the fact that this is a huge issue and would like to know how much data is needed for action to finally be done. Livia stated the National Center for Transgender Equality states transgender people use the bathroom far less than others and avoid drinking and eating. They also have much higher rates of urinary tract infections. She stated new facilities are not necessary, but that minor changes could be made to existing bathrooms to be more inclusive. Livia stated that she appreciated the conversation starting but that “piloting” a gender neutral bathroom was not the way to go about making change.

Commissioner Ordonez stated that he appreciated everyone’s transparency and courage and that they are unapologetic about equal rights. He stated that although the Commissioners may have different viewpoints that offensive comments of any kind will not be tolerated. He stated that as acting chair, that was his pledge. Chez apologized to anyone that may have been offended in any way but what was said.

Commissioner Ashley made a motion that the ERC request the LRB solicit best practices both within the state of WI and other jurisdictions regarding single use bathrooms and to get at what is specifically needed to make changes and any ordinance language they may have. She also stated she would like Mike Krause to give the ERC a report on fiscal costs and information on signage and potential language being used in other jurisdictions. Commissioner Ordonez asked if there was a second to Commissioner Ashley’s motion, no response. Commissioner Ordonez asked a second time and no one seconded the motion. Motion failed.

Commissioner Snell brought up the anti-bullying taskforce and said conversations like this could also be brought up with them. He suggested the ERC put together a gender neutral bathroom taskforce that would include community organizations like FORGE and the Milwaukee LGBT Community Center. Commissioner Ordonez stated the ERC is as much a public policy influencer as an advocated and stated that the Commission does not always have to make a motion to make things happen and that the ERC would continue forward on this issue.

#### ***4. Accessible Bike Update (James Hannig, DPW & Rebecca Rabatin, DOA ADA Coordinator)***

James Hannig stated that he prepared a brief presentation and encouraged the ERC to look into the details further after the meeting. He reminded the Commission of the commitments DPW had made back in March: form a pilot adaptive workgroup and hold a meeting by April 27, to request quotes from vendors on accessible bikes, to have a pilot program started by fall, and have a plan to continue the program if the pilot program is successful.

Hannig brought up the dockless pilot study and stated that it is not directly related to the adaptive bike issues but has some potential implications. He also stated that DPW created a community survey that collected input from community. Hannig stated the request for quotes

has gone out to eight vendors and DPW has received four responses. He noted that BCycle and Zagster both received a request for quotes. Commissioner Ordonez stated he was surprised that Zagster did not respond. He asked if there was any indication as to why they did not respond. Hannig stated they had expressed interest but that they may not feel that their model would work within the parameters of the request.

Commissioner Ashley asked where the workgroup is at in making sure there is a pilot program started in 2018. Hannig stated that some challenges have come up through the workgroup. He stated the group has not been able to come to consensus on what the pilot program would look like. He also stated that the city and partner organizations are also working toward figuring out where funding to operate the pilot program will come from. Commissioner Ashley asked if Bird Scooters would be open to doing a pilot with the City to provide accessible bikes. Hannig stated they have not been formally engaged about adaptive bikes as of yet but that it could be considered in the future. Rebecca Rabatin stated that in the last workgroup the discussion of just buying bikes without putting a program in place came up. She stated the group has not come to a consensus but are moving toward figuring it out. Hannig stated that the workgroup has been exploring if current bikeshare vendors could just operate the city procured accessible bikes. Commissioner Ashley stated it would make the city vulnerable to just buy bikes and not have someone to operate the program.

Commissioner Guequierre asked if the city could operate the program since it currently operates its own public transportation system. He stated his sense is that the lack of agreement within the workgroup may come from the fact that everyone wants a perfect program right away. He stated it is going to be difficult to create a program that is going to serve the needs of every person that wants to ride a bike in the city of Milwaukee, but that the workgroup should be willing to at least try something to start. Commissioner Snell asked if there is an intentional search for funding currently. Hannig stated that in tandem with the workgroup, DPW is looking into funding. He stated that the big challenge is who needs to submit for the funding. He stated the city is not currently structured to operate an accessible bikeshare program on its own. He said the city would most likely prefer a partnership with a vendor or bikeshare operator.

Commissioner Ashley asked if the city would be partnering with the county to create the program. Hannig stated this option is being explored. Commissioner Ashley suggested the workgroup make a pitch to the County Transportation Committee. Rabatin stated the group has talked about an MOU with the county but that they have not yet approached them about funding.

## ***5. Strategic Planning Update and Discussion***

Commissioner Ordonez stated that the ERC received several responses to the strategic planning RFP. DOA recommended one respondent and the Strategic Planning Committee moves that recommendation forward to be voted on by the full Commission. Commissioner Snell moved the recommendation of BDP & Associates (Denise Patton), Commissioner Guequierre seconded. No objections. Jessica Langill stated that CDBG would be writing the contract.

Commissioner Ordonez stated that it is important that the Commission continue to move forward on handling other issues as well while strategic planning details are being worked out.

Commissioner Ordonez stated that he would like new Commissioners to join the Strategic Planning Committee. Commissioner Ordonez added Commissioner Guequierre and Commissioner Collins to the Strategic Planning Committee. Commissioner Snell motioned to move any elections of ERC leadership to the first meeting after strategic planning is complete. Commissioner Ashley seconded. No objections.

## ***6. Cities for CEDAW Campaign and Resolution***

Commissioner Collins stated that CEDAW (Convention of the Elimination of all forms of Discrimination Against Women) is a treaty that was introduced in 1979. 187 countries have signed on, 6 countries have not, including the US. Commissioner Collins stated that Cities for CEDAW encourages municipalities to sign on to commit to ending discrimination against women at a local level. She stated that she would like someone to move to create a resolution for Milwaukee to sign on to Cities for CEDAW. She would like the LRB to review the legislation. Commissioner Ordonez stated that CEDAW can approach the Common Council or Mayor to write a proclamation or pass a resolution, or the ERC can draft and pass its own resolution. Commissioner Ordonez stated it would make sense for the ERC to pass the resolution which can be sent to LRB and then voted on as the full commission at the next ERC meeting. Commissioner Ordonez stated that the ERC should also be reaching out to Alders and the Mayor to encourage them to pass a resolution as well. Commissioner Collins asked who should spearhead the discussions. Commissioner Ordonez suggested that it should be approached at all angles. Commissioner Ashley stated that IRD may be able to help with discussions with Alders and the Mayor.

## ***7. Discussion on Milwaukee Dress Code***

Commissioner Bennett stated an article had recently gone out addressing complaints against a downtown bar that was using coded language about dress code to racially discriminate against patrons. The article addressed multiple clubs in the downtown area. She asked if enough complaints are received if the ERC can be a vehicle to recommend a suspension of liquor licenses. Commissioner Ordonez stated this issue has come up in the past and that he recommends that residents, bar owners, and activist groups come together to talk about the issue. Commissioner Ordonez stated that the ERC may not have direct authority over this issue but that it can make recommendations in front of the Licensing Commission. He stated this can be discussed in strategic planning. Commissioner Snell stated the ERC cannot drive the complaint. It has to come to the Commission organically. Commissioner Bennett stated she hopes the ERC will come up with easily accessible ways to make complaints.

Commission Collins stated Common Ground or another organization may be interested in looking into this issue and could collect stories. Commissioner Jackson stated the ACLU is interested in the topic and he would talk to his connections at ACLU to see how they would like



to move forward on the topic. Commissioner Guequierre stated an avenue that has not been explored in community outreach is educating people on how to document discrimination information and how to report it. Commissioner Snell stated that the ERC needs to work out the referral process as well. Commissioner Ashley stated the ERC should have conversations with NAACP, Urban Underground, etc. to create a referral partnership.

#### ***8. ERC Support for Aligned Coalitions***

Commissioner Snell stated in strategic planning that a committee could be assigned to approving support for aligned coalitions and resolutions. Commissioner Snell moved that the ERC sign on to Plan for Peace as a Commission. Commissioner Bennett seconded. No objections.

#### ***9. Human Rights Day Event Update***

Commissioner Snell recognized Dr. Robert Smith and other committee members. He stated the theme of Milwaukee's Human Rights Day celebration is "born free and equal, now more than ever." The event will be moved out of city hall, potentially to the Domes to make it more accessible to the community. He stated the committee is working on engaging paid storytellers to share stories about a broad scope of human rights issues. Commissioner Snell requested a new Commissioner join the Human Rights Day Planning Committee. Commissioner Ordonez added Commissioner Collins to the committee. Commissioner Jackson said he may be interested but would have to get back about his availability.

#### ***10. Human Rights Campaign Municipality Equality Index Press Conference Update***

Jessica Langill stated the press conference is being held on October 11<sup>th</sup> at 10:30am in the rotunda at City Hall. Commissioner Snell will be representing the ERC, other speakers include Mayor Barrett, Chad Griffin (HRC President), and other speakers. Langill stated the ERC has been asked to crowd build with local organizations. Commissioner Snell stated that only 2 years ago the city had a score of 72 and is expecting a great score for 2018.

#### ***11. Community Dialogue & Upcoming Events***

Commissioner Ordonez stated Columbus Day is coming up. He stated the ERC has discussed updating the day to Indigenous Peoples Day. Commissioner Ordonez stated legislation to change the name is currently in a Common Council committee and he will be working with staff to look further into changing it.

#### ***12. Next Meeting Date: October 17, 2018, City Hall***

#### ***13. Adjourn***

Meeting adjourned at 5:06 p.m.

\*\*\*jml\*\*\*